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OFFICE OF PETITIONS

In re Application of :
Thomas Andrew Strasser, et. al. :
Application No. 10/099,888 : **DECISION ON PETITION**
Filed: March 15, 2002 :
Attorney Docket No. PH01-00-04E :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed on March 24, 2008, to revive the above-identified application.

The application became abandoned for failure to timely file a reply to the final Office action mailed May 24, 2006. A Notice of Abandonment was mailed on March 22, 2007.


37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the instant petition varies slightly from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement.

The petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied (1) the reply in the form of a Notice of Appeal and \$255 fee; (2) the petition fee of \$770; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.

This application is being referred to Technology Center Art Unit 2613, to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions